

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JEFFERSON GRIFFIN,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS,

Defendant,

and

ALLISON RIGGS, NORTH CAROLINA
ALLIANCE FOR RETIRED AMERICANS,
VOTEVETS ACTION FUND, TANYA
WEBSTER-DURHAM, SARAH SMITH,
JUANITA ANDERSON,

Intervenor-Defendants.

Case No. 5:24-cv-00731-M-RJ (lead)

NORTH CAROLINA DEMOCRATIC PARTY,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS et al.,

Defendants.

Case No. 5:24-cv-00699-M-KS

CARRIE CONLEY et al.,

Plaintiffs,

v.

ALAN HIRSCH et al.,

Defendants.

Case No. 5:25-cv-00193-M-RJ

**VOTEVETS ACTION FUND, NORTH CAROLINA ALLIANCE FOR
RETIRED AMERICANS, TANYA WEBSTER-DURHAM, SARAH
SMITH, AND JUANITA ANDERSON'S NOTICE IN RESPONSE TO THE
COURT'S APRIL 30, 2025 ORDER**

VoteVets Action Fund, North Carolina Alliance for Retired Americans, Tanya Webster-Durham, Sarah Smith, and Juanita Anderson (collectively “VoteVets Intervenor”) respectfully submit this notice in response to this Court’s April 30, 2025 order directing the parties to inform the Court of: (1) any material facts they believe remain genuinely in dispute, (2) whether they have any objection to the Court treating their briefing as cross-motions for summary judgment, and (3) whether they require more time to come forward with all of the relevant evidence. ECF No. 113.

VoteVets Intervenor agree with this Court that there are no genuine issues as to any material facts related to the federal legal questions currently briefed in this case, and also agree that it would be appropriate for this Court to resolve the parties’ briefing as cross-motions for summary judgment. VoteVets Intervenor styled their briefing as a motion for summary judgment for that very reason. *See* ECF No. 86 (VoteVets Intervenor’s Motion for Summary Judgment). VoteVets Intervenor require no further time to come forward with additional evidence related to the resolution of the federal legal issues currently briefed in this case.

While not material to the federal questions currently before this Court, Judge Griffin has recently asserted that fact issues exist regarding the scope of any cure process and the steps the State Board should take to implement the state courts’ rulings on his protests. *See generally* Ex. A, Pet. for Writ of Mandamus, *Griffin v. N.C. State Bd. of Elections*, No. COA25-181 (N.C. Ct. App. Apr. 16, 2025). In particular, Judge Griffin believes the following issues remain unsettled: (1) how many voters should be subject to the Board’s cure process of military or overseas voters who did not return a copy of their identification with their ballots; (2) how many UMOVA voters should have their ballots discarded for allegedly indicating that they have never resided in the state on their absentee ballot application form; and (3) whether the Board should take any action to confirm whether challenged UMOVA voters did in fact previously reside in North Carolina. *Id.* at 2.

These factual details do not go to the merits of the federal legal issues currently before this Court. This Court's resolution of the briefing before it may eliminate the need for any cure process, and these factual issues will only need to be resolved in the event a cure requirement moves forward. Therefore, their existence should not delay the Court's consideration and resolution of VoteVets Intervenor's Motion for Summary Judgment.

Date: May 2, 2025

Respectfully submitted,

/s/ Lalitha Madduri

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